

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MARIA MCCORMACK,

Plaintiff,

Case No. 15-cv-14507  
Hon. Matthew F. Leitman

v.

CITY OF WESTLAND, *et al.*,

Defendants.

---

**ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFF'S  
MOTION FOR PARTIAL SUMMARY JUDGMENT (ECF #40)**

This is a civil action under 42 U.S.C. § 1983. Plaintiff Maria McCormack (“McCormack”) has sued the City of Westland, the Wayne Westland Fire Association, Highland Landscape and Snowplowing, and a number of individually-named defendants (collectively, the “Defendants”) for entering McCormack’s yard and taking or damaging her property. (*See* Am. Compl., ECF #32.) McCormack has now filed a Motion for Partial Summary Judgment (on liability only) as to Count I of the Amended Complaint (the “Motion”). (*See* ECF #40.) In Count I of the Amended Complaint, McCormack alleges that Defendants violated her rights under the Fourth Amendment to the United States Constitution. The Court held a hearing on the Motion on August 10, 2017.

For the reasons stated on the record at the August 10, 2017, hearing, **IT IS  
HEREBY ORDERED** that:

1. The Motion (ECF #40) is **GRANTED** with respect to the following Defendants:

- The City of Westland;
- The Wayne Westland Fire Association;
- Kelly Eggers;
- Brenn Dohring;
- Chris Szpara;
- Officer Abramski; and
- Tom Lutkenhoff.

2. The Motion (ECF #40) is **DENIED** with respect to the following Defendants:

- Tim Wilson
- Highland Landscape and Snowplowing;
- Jeff Speaks;
- Gage Speaks;
- Jose Vega; and
- Alfredo Vega.

**IT IS SO ORDERED.**

/Matthew F. Leitman  
MATTHEW F. LEITMAN  
UNITED STATES DISTRICT JUDGE

Dated: August 10, 2017

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on August 10, 2017, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

(810) 341-9764